

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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NBT ASSOCIATES, INC.,

Plaintiff,

v.

Case No. 10-14108

ALLEGIANCE INSURANCE AGENCY CCI,  
INC., an Arizona Corporation, SARMAD  
AMANOAIL, EIVAN SHAHARA, FADI KENAYA,  
ALLEGIANCE INSURANCE AGENCY CCI,  
INC., a Michigan Corporation, ALLEGIANCE  
INSURANCE AGENCY CCII, INC., a Michigan  
Corporation, POWER GROUP INVESTORS  
INCORPORATED, FAROUK KENAYA, and  
DISCOUNT INSURANCE, LLC,

Defendants,

and

FADI KENAYA, ALLEGIANCE INSURANCE  
AGENCY CCII, INC., an Arizona Corporation,  
SARMAD AMANOAIL, ALLEGIANCE  
INSURANCE AGENCY CCI, INC., a Michigan  
Corporation, and EIVAN SHAHARA,

Third-Party Plaintiffs,

v.

MANAR ABBO,

Third-Party Defendant,

and

ALLEGIANCE INSURANCE AGENCY CCII,  
INC., a Michigan Corporation, POWER GROUP  
INVESTORS INCORPORATED, ALLEGIANCE  
INSURANCE AGENCY CCI, INC., an Arizona  
Corporation, FADI KENAYA, ALLEGIANCE  
INSURANCE AGENCY CCII, INC., an Arizona  
Corporation, SARMAD AMANOAIL,  
ALLEGIANCE INSURANCE AGENCY CCI,  
INC., a Michigan Corporation, and EIVAN  
SHAHARA,

Counter-Claimants,

v.

NBT ASSOCIATES, INC.,

Counter-Defendant.

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### **ORDER DENYING ATTORNEY FEES**

On April 15, 2011, the court granted Defendants' motion for leave to amend the answer to add a counterclaim and to file a third-party complaint. (See 4/18/11 Order.) In response to that motion, Plaintiff had asked the court in its brief and at the hearing to require Defendants to pay Plaintiff approximately \$5,225 in attorney fees as a condition of granting that motion, relying on *Ruschel v. Nestlé Holdings, Inc.*, 89 F. App'x 518 (6th Cir. 2004). Defendants' counsel requested the court grant their motion irrespective of the resolution of the fees issue. After determining justice required giving leave to amend, see Fed. R. Civ. P. 14(a)(1), 15(a)(2), the court granted the motion and took the fees issue under advisement.

Having reviewed the record, the court is unpersuaded that fees must be awarded to offset any prejudice to Plaintiff at this time. Accordingly,

IT IS ORDERED that Plaintiff's request for conditioning any amendment to Defendants' pleadings on the payment of attorney fees is DENIED.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: May 2, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 2, 2011, by electronic and/or ordinary mail.

s/Lisa G. Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522